



**Austin City Code Amendment  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 41  
**AGENDA DATE:** Thu 11/17/2005  
**PAGE:** 1 of 2

**SUBJECT:** Approve an ordinance on third reading amending Chapter 25-10 of the City Code relating to nonconforming off-premise signs permitting relocation of off-premise signs under certain conditions.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review **AUTHORIZATION:** Joe Pantalion

**FOR MORE INFORMATION CONTACT:** Luci Gallahan, 974-2669

**PRIOR COUNCIL ACTION:** Council passed the amendment on first reading on January 13, 2005.  
Council passed the amendment on second reading on September 29, 2005.

**BOARD AND COMMISSION ACTION:** Planning Commission voted for no change to the current code.

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The proposed amendment would amend Chapter 25-10 of the Land Development Code to allow the relocation of nonconforming off-premise signs. The proposed amendment would allow the owner of a nonconforming off-premise sign to relocate the sign if the original location of the sign meets the following requirements:

- It is in the area bounded by Highway 183 from Burnet Road to Highway 71, Highway 71 from Highway 183 to Lamar Boulevard, Lamar Boulevard from Highway 71 to 45th Street, 45th Street from Lamar Boulevard to Burnet Road, and Burnet Road from 45th Street to Highway 183, or on a tract that abuts the street right-of-way of a boundary street.
- It is in a Scenic Roadway Sign District, or
- It is within 500 feet of a historic sign district, or a residential structure located in a residential base zoning district.

The proposed ordinance would also require that the sign must be permanently removed from the original tract.

The following conditions would be required for the tract to which the sign is to be relocated:

- It must be in an expressway corridor sign district;
- It may not be on a scenic roadway;
- It may not be within 500 feet of a historic sign district; or a residential structure in a residential-base zoning district; and
- It is zoned as a commercial or industrial base district if the tract is located within the City's zoning



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jurisdiction.

The proposed amendment would not restrict the relocated sign to sign height or face size of the relocated sign district, except that the face size of the relocated sign could not exceed that of the original sign, and the height could not exceed 42 feet above street grade.

The proposed ordinance would require that the relocated sign be permanently removed from the new location not later than 25 years after the relocation application is approved. It would allow the sign owner to maintain the sign beyond the 25 years if the sign owner permanently removes and does not relocate a second nonconforming off-premise sign from a location described in the first bullet above.

The proposed ordinance would include a waiver provision that would allow City Council to modify or waive the conditions listed in all the bullets listed above. The waiver provision would include criteria for considering the waiver including, the number of billboards to be removed, the characteristics of the sites from which the signs are to be removed and to be relocated; and other relevant factors. The waiver provision would require a public hearing before action can be taken and would require notification pursuant to Section 25-1-132(B) of the Land Development Code.

The proposed ordinance would require that a sign to be relocated or removed must meet all registration requirements listed in Section 25-10-152(F) of the Land Development Code and payment of required registration fees.

The proposed ordinance would require that the applicant be the owner of the sign to be relocated or removed and that an application for sign relocation be filed with the Watershed Protection and Development Review Department at least 90 days before relocating the sign. The application must include a statement from the owner of the tract from which the sign is to be removed agreeing to the permanent removal of the sign or a document indemnifying the city for all costs and claims that may arise from the sign relocation. The applicant must relocate the sign not later than one year after the date the application is approved.

The proposed ordinance recommends a new fee of \$120 to be collected by the Watershed Protection and Development Review Department for removal and relocation permits.

## **ORDINANCE NO.**

### **AN ORDINANCE AMENDING SECTION 25-10-152 OF THE CITY CODE RELATING TO THE RELOCATION OF NONCONFORMING OFF-PREMISE SIGNS; AND AMENDING ORDINANCE NUMBER 20050912-004 TO ADD A SIGN REMOVAL AND RELOCATION FEE.**

#### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Section 25-10-152(B) of the City Code is amended to read:

- (B) A person may not change or alter a nonconforming sign except as provided in this subsection.
  - (1) The face of the sign may be changed.
  - (2) The sign may be changed or altered if the change or alteration does not:
    - (a) increase the degree of the existing nonconformity;
    - (b) change the method or technology used to convey a message; or
    - (c) increase the illumination of the sign.
  - (3) The sign may be relocated on a tract, if the building official determines that the relocated sign will not be hazardous, and the sign is:
    - (a) located on a tract that is partially taken by condemnation or partially conveyed under threat of condemnation; or
    - (b) moved to comply with other regulations.
  - (4) Except as provided in Subsection (B)(5), a nonconforming sign may be modified or replaced in the same location, if the modification or replacement reduces:
    - (a) the sign area by at least 20 percent;
    - (b) the height of the sign by at least 20 percent; or

(c) both sign area and height of the sign by an amount which, combined, is equal to at least 20 percent of the sign area and height.

(5) A nonconforming off-premises sign may be replaced if:

(a) each owner of a property from which a sign is to be removed or on which a sign is to be replaced agrees to the sign removal or replacement, as applicable;

(b) each owner of a property from which a sign is to be removed designates the person who is responsible for removing the sign; and

(c) the replacement sign:

(i) does not direct illumination onto a property zoned or used for a residential use;

(ii) does not exceed the height of the sign it replaces; and

(iii) is constructed in the same location with same type of materials and construction design as the sign it replaces, and:

1. the face height and width of the replacement sign are each at least 25 percent less than the face height and width of the sign being replaced; or

2. the replacement sign is not located in, or within 500 feet of, a historic sign district, its sign area is at least 25 percent smaller than the sign area of the sign it replaces, and:

a. one other nonconforming off-premises sign is permanently removed, the location of the sign to be removed is not included in a site plan that is pending approval, and if, before removal, the sign to be removed is:

i. located in a scenic road-way sign district;

ii. located in, or within 500 feet of, a historic sign district; or

iii. of monopole construction; or

b. two other non-conforming off-premises signs are permanently removed, and the location of a sign to be

removed is not included in a site plan that is pending approval.

(6) The owner of a nonconforming off-premise sign may relocate the sign to another tract under these provisions if the requirements of this paragraph are met.

(a) The original location of the sign must be:

(i) in the area bounded by Highway 183 from Burnet Road to Highway 71, Highway 71 from Highway 183 to Lamar Boulevard, Lamar Boulevard from Highway 71 to 45<sup>th</sup> Street, 45<sup>th</sup> Street from Lamar Boulevard to Burnet Road, and Burnet Road from 45<sup>th</sup> Street to Highway 183, or on a tract that abuts the street right-of-way of a boundary street;

(ii) in a scenic roadway sign district; or

(iii) within 500 feet of:

1. a historic sign district; or

2. a residential structure located in a residential base zoning district.

(b) The sign must be permanently removed from the original tract and may not be replaced.

(c) The tract to which the sign is relocated:

(i) must be in an expressway corridor sign district;

(ii) may not be on a scenic roadway;

(iii) may not be within 500 feet of:

1. a historic sign district; or

2. a residential structure located in a residential base zoning district; and

(iv) if the tract is within the zoning jurisdiction, it must be zoned as a commercial or industrial base district.

(d) Sign district restrictions on sign height and face size otherwise

applicable to the relocation tract do not apply to the relocated sign, but the face size of the relocated sign may not exceed that of the original sign, and the sign height of the relocated sign may not exceed 42 feet above street grade.

- (e) A relocated sign must be permanently removed from the new location not later than 25 years after the date the relocation application is approved, unless within the 25 year time period the sign owner permanently removes and does not relocate a second nonconforming off-premise sign from a location described in Paragraph (6)(a).
- (f) The council may waive or modify, with or without conditions, a requirement of Paragraph (6)(a) – (e) if the council determines that the waiver or modification is justified by the aesthetic benefit to the City.

  - (i) In making the determination, the council may consider:

    1. the number of nonconforming off-premises signs to be removed;
    2. the characteristics of the sites from which the signs are to be removed;
    3. the characteristics of the site on which the sign is to be relocated; and
    4. other relevant factors.
  - (ii) The council shall hold a public hearing before acting on a proposed waiver or modification.
  - (iii) The director of the Watershed Protection and Development Review Department shall give notice of the hearing in accordance with Section 25-1-132(B) (Notice Of Public Hearing).
- (g) A sign may not be relocated or removed under this paragraph unless the sign is registered and all registration fees are paid as required by Subsection (F).
- (h) An applicant must:

- (i) be the owner of each sign to be relocated or removed;
- (ii) file an application for sign relocation with the director of the Watershed Protection and Development Review Department at least 90 days before relocating the sign; and
- (iii) include with the application:
1. a statement from the owner of each tract from which the sign is to be removed agreeing to the permanent removal of the sign; or
  2. a document approved by the city attorney indemnifying the city for all costs and claims arising from the sign relocation, sign removal, or permit issuance and providing that the city attorney may hire counsel for and shall direct the defense of the claims.
- (i) An applicant must relocate a sign not later than one year after the date the director of the Watershed Protection and Development Review Department approves the application.

**PART 2.** The Fee Schedule in Ordinance Number 20050912-004 is amended to add for the Watershed Protection and Development Review Department a "Sign Removal and Relocation Fee" in the amount of \$120.00.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005      § \_\_\_\_\_  
   § \_\_\_\_\_  
   § \_\_\_\_\_  
   Will Wynn  
   Mayor

**APPROVED:** \_\_\_\_\_  
                         David Allan Smith  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Shirley A. Brown  
                         City Clerk